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March 21, 2016

California Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Attn: Lauren Bisnett, Draft GSP Emergency Regulations Public Comment

Re: Groundwater Sustainability Plan Emergency Regulations

Dear Ms. Bisnett:

The Department's requirements are massive in composition, extensive in sections, complicated and far too comprehensive, and in many cases without purpose or utilization and exceed the intent and provisions of the Sustainable Groundwater Management Act for the enhancement of local management of groundwater.

The law contained 47 requirements, the DWR regulation contain 206 requirements.

The costs for preparing GSPs would triple to conform with the draft DWR requirements.

The Department should carefully read CWC 10720.1 Legislative Intent of the Sustainable Groundwater Management Act, which states:

- (a) To provide for the sustainable management of groundwater basins.
- (b) To enhance local management of groundwater consistent with rights to use or store groundwater and Section 2 of Article X of the California Constitution. It is the intent of the Legislature to preserve the security of water rights in the state to the greatest extent possible consistent with the sustainable management of groundwater.
- (c) To establish minimum standards for sustainable groundwater management.
- (d) To provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater.

DWR should evaluate each of the 206 requirements for determination of duplication, under control of the GSA and will the requirement serve any purpose for creating sustainability and will the information ever be used. Many of the requirements should be removed.

Examples:

Page 16 354.8(a)(5) Density of wells per square mile, a group of docs "each agency shall utilize data available from the Department". When will the Department provide the data? What purpose would the density of wells per square mile serve in the determination of sustainability? Does DWR realize the cost to determine the density per square mile in a 500,000 acre subbasin (780 sections) unnecessary would not be used - Does DWR have any concern for costs? - **Omit.**

Page 16 354.8(d) How existing water resources monitoring and management programs and agencies with water management authority, could affect the ability of the agency to achieve sustainable groundwater management, and how the Plan addresses potential effects. What is the purpose? subjective, unnecessary, provides no technical data. **Omit.**

Page 16 354.8(g)(2)&(3)

- (2) A description of how implementation of existing land use plans are expected to change water demands within the basin.
- (3) An identification and assessment of proposed land use activities that may pose a risk of groundwater quality or quantity in the basin.

Is it DWR's conception that GSAs have the authority for regulations, ordinances and resolutions that trump the authority of the counties zoning ordinances and control of land development? **Omit.**

Page 17 354.8(g)(4)(5)(7)(8)

- (4) An assessment of how implementation of the Plan may affect land use plans.
- (5) A summary of land use plans outside the basin, for any area the Agency determines to be linked to the hydrology of the basin governed by the Plan.
- (7) How implementation of existing land use plans may affect the ability of the Agency to achieve sustainable groundwater management, and how the Plan addresses potential effects.
- (8) How implementation of existing land use plans outside the basin, including a description of how implementation of those land use plan could affect the ability of the Agency to achieve sustainable groundwater management, for any area the Agency determines to be linked to the hydrology of the basin governed by the Plan.

What are the purposes for these statements that would require information that is subjective and not within the control of the GSA. How do responses to these requirements assist with sustainability and conform with CWC 10720.1 Legislative Intent. Please refer to CWC 10720.1(h) that states "To manage groundwater basins through the actions of local governmental agencies to the greatest extent feasible, while minimizing state intervention to only when necessary to ensure that local agencies manage groundwater in a sustainable manner." **Omit.**

Page 19 354.14(4)(D) Hydrologic Conceptual Model

(4)(D) General water quality of principal aquifers, which may be based on information derived from existing technical studies or regulatory programs.

Omit. Submit that Section 354.16(d) covers groundwater quality issues.

Water quality should not be a part of the Sustainable Groundwater Management Plan. The Regional Water Quality Control Board adopted the Irrigated Lands Regulatory Program for the Tulare Lake Basin Hydrologic Region that provides complete and thorough determination of the quality of both surface and groundwater in each of the basins of the Central Valley. A reference to the water quality data produced by the Irrigated Lands Regulatory Program should be the only requirement by SGMA.

Page 20 354.16 Basin Conditions (a)(1) Groundwater elevation contour maps depicting the current seasonal high and seasonal low for each principal aquifer in the basin.

The condition of the basin should be as of Spring 2015, not January 1, 2015.

What is the purpose, value and use of seasonal low data? Sustainability will be evaluated on seasonal high (February) data. The costs for the determination of each the seasonal high and the seasonal low groundwater elevations within a basin, that would involve measuring the depth of several hundreds of wells and the preparation of maps of contours for the determination of change in groundwater levels, would be in the tens of thousands of dollars. **Omit** seasonal low.

Page 23 354.18(d) The following information shall be provided by the Department and shall be used by agencies in developing the water budget. When the Department provide this information?

I submit that the local agencies have far better historical information, unique to a basin, and are far more knowledgeable of available information than the Department.

CWC 113 states: "Sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science."

The information provided by the Department should become another source for the "the best available science" that may be used by agencies, which would be consistent with 354.18(d). Revise 354.18(d) with may instead of shall.

Page 24 354.20 Management Areas
Need clarification, is it DWRs position that a GSA may have multiple management areas with different parameters, thresholds and objectives than the basin at large.

- What about the safe or sustainable yield within the groundwater basin?
different parameters?

Page 25 354.22 Introduction to Sustainable Management Criteria
 354.24 Sustainable Goal

Both of these sections need clarification on exactly what information DWR is seeking. It seems DWR should be providing the technical information for understanding of these statements by a GSA for preparation of the GSP.

Page 26 354.26 Undesirable Results
Page 27 354.28 Minimum Thresholds
Page 30 354.30 Measurable Objectives

Undesirable results are defined in the law [10721(w)]. The requirements are difficult to interpret for response; again, the DWR should provide plain language of the requirements for understanding by the GSAs. Perhaps, DWR should provide examples for these requirements to eliminate misunderstanding of the information expected.

Page 31 354.34 Monitoring Network

Page 32 354.34(e)(2)

Monitoring Site Compliance With Best Management Practices. The Department is responsible for the preparation of Best Management Practices, when will they become available?

This statement needs additional information and reference for understanding.

Page 33 354.34(h)(1)(A)

This section need clarification. DWR needs to be more explicit in the development of a network for monitoring surface water; what is sufficient density of monitoring wells through depth discrete perforated intervals to adequately characterize the potentiometric surface for each of the principle aquifers [Section 354.34(h)(A)]. Need to agree on spatial locations for development, type of wells and implementation (number per township).

Page 33 354.34(h)(1)(B)

Why is DWR requiring collection of elevation measurements two times per year. What is the value of the seasonal low groundwater conditions, for what purpose and how used? Remove Seasonal Low.

Page 35 354.38 Assessment and Improvement of Monitoring Network.

Who determines data gaps? Explain adjustment of monitoring frequency and density of monitoring sites, who establishes criteria for determination? How does DWR determine if a monitoring network does not satisfy best management practices?

Page 37 354.44 Projects and Management Actions
What is the purpose of this requirement? DWR needs to explain projects and management actions by example, what is expected of the GSA?

Page 41 355.4(a)(3) and (b)(4)

(a)(3) The Plan covers the entire Basin.

The law allows the preparation of multiple plans within a Basin.

What is the intent of this statement?

(b)(4) Whether the interest of the beneficial users and users of groundwater have been adequately considered.

This is another subjective requirement that serves no purpose, how would such determination be made?

Page 51 357.2 Interbasin Agreements

This section appears to be optional and not a requirement for a GSA or subbasin. What are the requirements between adjacent subbasins.

The Department should prepare a Plan, as an example, for a Basin that complies with all of the 57 pages, containing 206 requirements, for determination of the feasibility of each requirement as to purpose, use and cost in preparation of the responses. Such Plan could also be used by every GSA preparing a Plan for conformance and understanding of the Department's requirements.

Refer to Water Code Section 10729. Technical Assistance by Department and Groundwater Sustainable Agency; Department Estimate of Water Available for Replenishment; Department Best Management practices, that states:

10729(b) Will the Department staff meet frequently with the subbasin and GSAs for clarification, understanding, development and implementation of all requirements of the emergency regulations.

10729(c) Will the Department's best estimate of water available for replenishment of groundwater be provided by subbasin.

In summary, the Department's Groundwater Sustainability Plan Emergency Regulations should not be requirements but provided as guidance documents for understanding, development and implementation of the Sustainable Groundwater Management Act. CWC Section 10733.2 states:

(a) "The department shall adopted regulations for evaluating groundwater sustainability plans, the implementation of groundwater sustainability plans and coordination agreements pursuant to this chapter.

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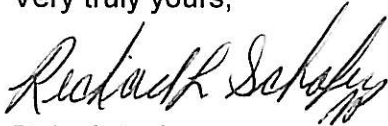
- (b) The regulations shall identify the necessary plan components specified in Sections 10727.2, 10727.4 and 10727.6 and other information that will assist local agencies in development and implementing groundwater sustainability plans and coordination agreements."

Neither Section 10720.1 Legislative Intent nor Sections 10733.2 Department to Adopt Emergency Regulations Concerning Plan Review and Implementation and Section 10733.4 Submittal of Plans to Department for Evaluation provide for 57 pages of requirements by the Department of Water Resources.

Page 12 Section 353.6(c) states: "the Department shall provide reasonable assistance to an Agency regarding the elements of a Plan..... and... the Agency is solely responsible for the development and adoption of a Plan...."

We submit the Department should withdraw the proposed requirements and instead frame the regulations, with revisions as transmitted herewith, as guidance information "that will assist local agencies in developing and implementing groundwater sustainability plans and coordination agreements" and provide "regulations for evaluating groundwater sustainability plans and coordination agreements" as intended and provided in the Act.

Very truly yours,



R. L. Schafer
Tule Subbasin SGMA Coordinator

RLS/mep